

REMARKS/ARGUMENTS

The filing date of U.S.2004/0073417 is October 9, 2003. The application claims to be a continuation of USSN 09/834,412, filed on April 13, 2001, and further to be a continuation-in-part of application number 09/560,640, filed on April 28, 2000, which was continuation-in-part of application number 09/451,609, filed on November 30, 1999.

The present application has a filing date of July 20, 2000. Thus, it is clear that neither cited '417 application nor its immediate parent application 09/834,412, are available as prior art against the present application under 35 U.S.C. § 102(e). Applicants have further reviewed the text of the earliest application (09/451,609) which issued as U.S. Patent No. 6,250,918, and find that the disclosures relied on herein by the Examiner are not present in that application.

Thus, based on the patents and publications available to them, Applicants believe that the Examiner's rejections of all claims over the '417 application must fail. While Applicants recognize that there may be disclosure in application 09/560,640, which the Examiner may wish to rely on, Applicants do not have such disclosure available for review or discussion. Thus, if the Examiner believes that a basis for rejecting the present claims is available in either application 09/560,640 or granted U.S. Patent No. 6,250,918, Applicants respectfully request that the support and basis for such rejections be explicitly set forth. In any event, Applicants respectfully request that the rejections stated over the '417 application be withdrawn as it is not available as prior art.